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**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:10-cv-02084-ESH**

COALITION FOR EDUCATIONAL SUCCESS v.  
DEPARTMENT OF EDUCATION  
Assigned to: Judge Ellen S. Huvelle  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/09/2010  
Date Terminated: 12/20/2011  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**COALITION FOR EDUCATIONAL  
SUCCESS**

represented by **Debbie Lynn Berman**  
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V.

**Defendant**

**DEPARTMENT OF EDUCATION**

represented by **Michelle Lo**

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*TERMINATED: 08/09/2011*

Date Filed	#	Docket Text
12/09/2010	<a href="#"><u>1</u></a>	COMPLAINT against DEPARTMENT OF EDUCATION ( Filing fee \$ 350, receipt number 4616034761) filed by COALITION FOR EDUCATIONAL SUCCESS. (Attachments: # <a href="#"><u>1</u></a> Exhibit A, # <a href="#"><u>2</u></a> Exhibit B, # <a href="#"><u>3</u></a> Civil Cover Sheet)(dr) (Entered: 12/10/2010)
12/09/2010		SUMMONS (3) Issued as to DEPARTMENT OF EDUCATION, U.S. Attorney and U.S. Attorney General (dr) (Entered: 12/10/2010)
12/09/2010	<a href="#"><u>2</u></a>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by COALITION FOR EDUCATIONAL SUCCESS identifying Corporate Parent NONE for COALITION FOR EDUCATIONAL SUCCESS. (dr) (Entered: 12/10/2010)

12/23/2010	<a href="#">3</a>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF EDUCATION served on 12/10/2010 (Smith, Paul) (Entered: 12/23/2010)
01/10/2011	<a href="#">4</a>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 12/14/2010. (Smith, Paul) Modified on 1/11/2011 to correct service date (jf, ). (Entered: 01/10/2011)
01/10/2011	<a href="#">5</a>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed in a <b>FOIA Case</b> as to the U.S. Attorney for DC; DEPARTMENT OF EDUCATION served on 12/29/2010, answer due 1/28/2011 for U.S. Attorney.  (Smith, Paul) Modified on 1/11/2011 to correct answer due date (jf, ). (Entered: 01/10/2011)
01/10/2011	<a href="#">6</a>	WITHDRAWN PURSUANT TO ORDER FILED 3/22/11.....MOTION for Summary Judgment by COALITION FOR EDUCATIONAL SUCCESS (Attachments: # <a href="#">1</a> Memorandum of Points and Authorities, # <a href="#">2</a> Statement of Undisputed Facts, # <a href="#">3</a> Declaration of Paul M. Smith, # <a href="#">4</a> Exhibit A, # <a href="#">5</a> Exhibit B)(Smith, Paul) (Entered: 01/10/2011)
01/11/2011		Set/Reset Deadlines: answer due 1/28/2011 (jf, ) (Entered: 01/11/2011)
01/20/2011	<a href="#">7</a>	ANSWER to <a href="#">1</a> Complaint by DEPARTMENT OF EDUCATION.(McBarnette, Andrea) (Entered: 01/20/2011)
02/01/2011	<a href="#">8</a>	STATUS REPORT by DEPARTMENT OF EDUCATION. (Attachments: # <a href="#">1</a> Affidavit)(McBarnette, Andrea) (Entered: 02/01/2011)
02/02/2011		MINUTE ORDER re <a href="#">8</a> Status Report filed by DEPARTMENT OF EDUCATION: defendant has filed a status report representing that it will respond to plaintiff's FOIA request in its entirety by February 18, 2011, and stating that it intends to file another status report and a proposed joint briefing schedule on March 4, 2011. Plaintiff filed a motion for summary judgment on January 10, 2011, which defendant has not responded to. Accordingly, the Court will treat defendant's status report as, in part, a motion for extension of time to respond to plaintiff's motion for summary judgment. As plaintiff has indicated that it does not oppose extending defendant's time to respond to its motion for summary judgment under the terms set forth by defendant in its status report, it is hereby ORDERED that defendant's motion is GRANTED; it is further ORDERED that unless the matter is resolved by March 4, 2011, defendant's opposition to plaintiff's motion for summary judgment is due by March 18, 2011; and it is further ORDERED that plaintiff shall file a status report and a joint proposed briefing schedule for any filings not addressed by this Order by March 4, 2011. Signed by Judge Ellen S. Huvelle on February 2, 2011. (AG) (Entered: 02/02/2011)

02/02/2011		Set/Reset Deadlines: Status Report and joint proposed briefing schedule due by 3/4/2011. Response to Motion for Summary Judgment due by 3/18/2011. (gdf) (Entered: 02/02/2011)
02/02/2011	<a href="#"><u>9</u></a>	NOTICE of Plaintiff's Motion to Relate Cases by COALITION FOR EDUCATIONAL SUCCESS (Smith, Paul) (Entered: 02/02/2011)
03/04/2011	<a href="#"><u>1</u></a> <a href="#"><u>0</u></a>	MOTION for Extension of Time to <i>Oppose MSJ</i> by DEPARTMENT OF EDUCATION (Attachments: # <a href="#"><u>1</u></a> Text of Proposed Order, # <a href="#"><u>2</u></a> Declaration) (McBarnette, Andrea) (Entered: 03/04/2011)
03/04/2011	<a href="#"><u>1</u></a> <a href="#"><u>1</u></a>	STATUS REPORT <i>March 2011</i> by DEPARTMENT OF EDUCATION. (Attachments: # <a href="#"><u>1</u></a> Declaration)(McBarnette, Andrea) (Entered: 03/04/2011)
03/04/2011	<a href="#"><u>1</u></a> <a href="#"><u>2</u></a>	STATUS REPORT by COALITION FOR EDUCATIONAL SUCCESS. (Smith, Paul) (Entered: 03/04/2011)
03/07/2011		MINUTE ORDER re <a href="#"><u>10</u></a> defendant's Motion for Extension of Time to Oppose plaintiff's motion for summary judgment: it is hereby ORDERED that plaintiff's opposition to defendant's Motion for Extension of Time shall be filed by 4:00 p.m. on Tuesday, March 8, 2011. Signed by Judge Ellen S. Huvelle on March 7, 2011. (AG) (Entered: 03/07/2011)
03/07/2011		Set/Reset Deadlines: Response to motion for extension of time due by 3/8/2011 (gdf) (Entered: 03/07/2011)
03/08/2011	<a href="#"><u>1</u></a> <a href="#"><u>3</u></a>	Memorandum in opposition to re <a href="#"><u>10</u></a> MOTION for Extension of Time to <i>Oppose MSJ</i> filed by COALITION FOR EDUCATIONAL SUCCESS. (Smith, Paul) (Entered: 03/08/2011)
03/09/2011	<a href="#"><u>1</u></a> <a href="#"><u>4</u></a>	NOTICE of Appearance by Katherine Amy Fallow on behalf of COALITION FOR EDUCATIONAL SUCCESS (Fallow, Katherine) (Entered: 03/09/2011)
03/18/2011	<a href="#"><u>1</u></a> <a href="#"><u>5</u></a>	STATUS REPORT <i>3-18-11</i> by DEPARTMENT OF EDUCATION. (Attachments: # <a href="#"><u>1</u></a> Affidavit)(McBarnette, Andrea) (Entered: 03/18/2011)
03/21/2011	<a href="#"><u>1</u></a> <a href="#"><u>6</u></a>	NOTICE of Joint Proposed Briefing Schedule by COALITION FOR EDUCATIONAL SUCCESS, DEPARTMENT OF EDUCATION (Smith, Paul) (Entered: 03/21/2011)

03/22/2011		MINUTE ORDER withdrawing <a href="#">6</a> plaintiff's Motion for Summary Judgment; finding as moot <a href="#">10</a> defendant's Motion for Extension of Time to Respond to Motion for Summary Judgment: in accordance with plaintiff's representation in the <a href="#">16</a> Notice of Joint Proposed Briefing Schedule filed on March 21, 2011, it is hereby ORDERED that <a href="#">6</a> plaintiff's motion for summary judgment is withdrawn without prejudice; it is further ORDERED that <a href="#">10</a> defendant's motion for extension of time to respond to plaintiff's motion for summary judgment is terminated as moot. Signed by Judge Ellen S. Huvelle on March 22, 2011. (AG) (Entered: 03/22/2011)
03/22/2011	<a href="#">1</a> <a href="#">7</a>	ORDER re <a href="#">16</a> Notice of Joint Proposed Briefing Schedule: Proposed Briefing Schedule is adopted. See order for details. Signed by Judge Ellen S. Huvelle on March 22, 2011. (AG) (Entered: 03/22/2011)
03/22/2011		Set/Reset Deadlines: Summary Judgment motions due by 4/28/2011. Response to Motion for Summary Judgment due by 5/19/2011. Reply to Motion for Summary Judgment due by 6/3/2011. (AG) (Entered: 03/22/2011)
04/07/2011	<a href="#">1</a> <a href="#">8</a>	Consent MOTION for Extension of Time to <i>Complete Briefing Schedule by One Week</i> , Unopposed MOTION to Stay <i>Litigation in the event of a government shut down</i> by DEPARTMENT OF EDUCATION (Attachments: # <a href="#">1</a> Text of Proposed Order)(McBarnette, Andrea) (Entered: 04/07/2011)
04/08/2011		MINUTE ORDER granting <a href="#">18</a> Consent Motion for Extension of Time and to Stay in the event of a Government Shutdown: Upon consideration of Defendant's Consent Motion, it is hereby ORDERED that the entire briefing schedule is extended by one week; it is further ORDERED that in the event the federal government shuts down as of midnight on April 8, 2011, the parties shall file a joint status report no later than seven (7) days following the resumption of normal federal government operations in which they shall propose new deadlines for further proceedings in this action. Signed by Judge Ellen S. Huvelle on April 8, 2011. (AG) (Entered: 04/08/2011)
04/15/2011	<a href="#">1</a> <a href="#">9</a>	NOTICE of Filing Vaughn Index and Declaration by DEPARTMENT OF EDUCATION (Attachments: # <a href="#">1</a> Vaughn Index, # <a href="#">2</a> Declaration Cook, # <a href="#">3</a> Exhibit A-P)(McBarnette, Andrea) (Entered: 04/15/2011)
04/21/2011	<a href="#">2</a> <a href="#">0</a>	ENTERED IN ERROR.....NOTICE of Filing Amended Vaughn Index by DEPARTMENT OF EDUCATION re <a href="#">19</a> Notice (Other) (Attachments: # <a href="#">1</a> Amended Vaughn Index)(McBarnette, Andrea) Modified on 4/22/2011 (jf, ). (Entered: 04/21/2011)
04/21/2011	<a href="#">2</a> <a href="#">1</a>	AMENDED Vaughn Index from by DEPARTMENT OF EDUCATION re <a href="#">19</a> Notice of Vaughn Index. (Attachments: # <a href="#">1</a> Amended Vaughn Index)(jf, ) (Entered: 04/22/2011)

04/22/2011		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <a href="#">20</a> Notice (Other) was entered in error and refiled by Clerk's Office under the correct category. (See Docket Entry <a href="#">21</a> to view document) (jf, ) (Entered: 04/22/2011)
05/05/2011	<a href="#">2</a> <a href="#">2</a>	Unopposed MOTION for Extension of Time to <i>Complete Briefing Schedule</i> by DEPARTMENT OF EDUCATION (Attachments: # <a href="#">1</a> Text of Proposed Order) (McBarnette, Andrea) (Entered: 05/05/2011)
05/06/2011		MINUTE ORDER granting <a href="#">22</a> defendant's Motion for Extension of Time: Upon consideration of Defendant's Motion to Extend, it is hereby ORDERED that the due date for Defendant's motion for summary judgment will be set upon Defendant's completion of the production to the Plaintiff of the responsive FOIA records; it is further ORDERED that defendant shall file a status report and/or proposed briefing schedule by July 1, 2011. Signed by Judge Ellen S. Huvelle on May 6, 2011. (AG) (Entered: 05/06/2011)
05/09/2011		Set/Reset Deadlines: Status Report and/or proposed briefing schedule due by 7/1/2011. (gdf) (Entered: 05/09/2011)
06/30/2011	<a href="#">2</a> <a href="#">3</a>	STATUS REPORT by DEPARTMENT OF EDUCATION. (McBarnette, Andrea) (Entered: 06/30/2011)
07/06/2011	<a href="#">2</a> <a href="#">4</a>	MOTION for Order <i>Setting Deadlines</i> by COALITION FOR EDUCATIONAL SUCCESS (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Proposed Order)(Smith, Paul) (Entered: 07/06/2011)
07/07/2011	<a href="#">2</a> <a href="#">5</a>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Debbie L. Berman, :Firm- Jenner & Block LLP, :Address- 353 N. Clark Street, Chicago, IL 60654-3456. Phone No. - 312-923-2764. Fax No. - 312-840-7764 by COALITION FOR EDUCATIONAL SUCCESS (Attachments: # <a href="#">1</a> Exhibit A - Declaration of Debbie L. Berman, # <a href="#">2</a> Proposed Order)(Smith, Paul) (Entered: 07/07/2011)
07/07/2011		MINUTE ORDER granting <a href="#">25</a> Motion for Leave to Appear Pro Hac Vice: This cause having come before the Court on the motion of the Coalition for Educational Success ("Coalition") for Debbie L. Berman to appear pro hac vice on its behalf and the Court having considered the same, it is hereby ORDERED that the motion is GRANTED and Debbie L. Berman shall be permitted to appear in Case No. 1:10-cv-02084 on behalf of the Coalition. Signed by Judge Ellen S. Huvelle on July 7, 2011. (AG) (Entered: 07/07/2011)

07/07/2011		MINUTE ORDER: For the reasons stated on the telephone call held today with the parties, it is hereby ORDERED that the parties shall file a joint briefing schedule that covers the cases numbered 10-cv-2084 and 11-cv-0213 and includes a schedule for producing Vaughn Indexes by the morning of July 12, 2011. It is further ORDERED that if the parties fail to present a joint briefing schedule by the morning of July 12, 2011, the parties will call the Court at 2:30 p.m. on July 12, 2011. It is further ORDERED that defendant will complete its production in the case numbered 10-cv-2084 by August 8, 2011, and that defendant will complete its production in the case numbered 11-cv-0213 by July 15, 2011. Signed by Judge Ellen S. Huvelle on July 7, 2011. (lcesh1) (Entered: 07/07/2011)
07/07/2011		Set/Reset Deadlines: Joint briefing schedule that covers the cases numbered 10-cv-2084 and includes a schedule for producing Vaughn Indexes by 7/12/2011. Defendant will complete its production in the case numbered 10-cv-2084 by 8/8/2011. (tcb) (Entered: 07/07/2011)
07/12/2011	<a href="#">2</a> <a href="#">6</a>	NOTICE of Joint Proposed Briefing Schedule by COALITION FOR EDUCATIONAL SUCCESS, DEPARTMENT OF EDUCATION (Attachments: # <a href="#">1</a> Proposed Scheduling Order)(Smith, Paul) (Entered: 07/12/2011)
07/12/2011	<a href="#">2</a> <a href="#">7</a>	ORDER setting briefing schedule set forth in <a href="#">26</a> Notice. The schedule proposed by the parties is adopted. See Order for details. Signed by Judge Ellen S. Huvelle on July 12, 2011. (lcesh1) (Entered: 07/12/2011)
07/18/2011		Set/Reset Deadlines: Vaughn Index due by 8/22/2011; Objections to production of documents due by 9/9/2011; Summary Judgment motions due by 9/30/2011; Response to Motion for Summary Judgment due by 10/14/2011; Reply to Motion for Summary Judgment due by 10/24/2011. (gdf) (Entered: 07/18/2011)
07/28/2011		MINUTE ORDER finding as moot <a href="#">24</a> Motion for Order Setting Deadlines. Signed by Judge Ellen S. Huvelle on July 28, 2011.(AG) (Entered: 07/28/2011)
08/09/2011	<a href="#">2</a> <a href="#">8</a>	NOTICE OF SUBSTITUTION OF COUNSEL by Michelle Lo on behalf of DEPARTMENT OF EDUCATION Substituting for attorney Andrea McBarnette (Lo, Michelle) (Entered: 08/09/2011)
08/22/2011	<a href="#">2</a> <a href="#">9</a>	NOTICE of Filing of Vaughn Index and Declaration by DEPARTMENT OF EDUCATION (Attachments: # <a href="#">1</a> Declaration of Elise Cook, # <a href="#">2</a> Vaughn Index)(Lo, Michelle) (Entered: 08/22/2011)
09/19/2011	<a href="#">3</a> <a href="#">0</a>	Joint MOTION to Stay Briefing Schedule, Joint MOTION for Order to File A Joint Status Report by COALITION FOR EDUCATIONAL SUCCESS, DEPARTMENT OF EDUCATION (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lo, Michelle) (Entered: 09/19/2011)

09/20/2011		MINUTE ORDER granting <a href="#">30</a> Joint Motion to Stay; granting <a href="#">30</a> Joint Motion for Order: UPON CONSIDERATION of the parties' Joint Motion to Stay Briefing Schedule and for Order to File A Joint Status Report, and for good cause shown, it is hereby ORDERED that the parties' motion is GRANTED, and the briefing schedule set forth in the Court's Order dated July 12, 2011 is STAYED, and it is FURTHER ORDERED that on or before November 30, 2011, the parties shall file a joint status report advising as to the need for further proceedings in this case. Signed by Judge Ellen S. Huvelle on September 20, 2011. (AG) (Entered: 09/20/2011)
11/29/2011	<a href="#">3</a> <a href="#">1</a>	STATUS REPORT <i>and Motion for Order to File A Joint Status Report</i> by COALITION FOR EDUCATIONAL SUCCESS, DEPARTMENT OF EDUCATION. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lo, Michelle) (Entered: 11/29/2011)
11/29/2011	<a href="#">3</a> <a href="#">2</a>	Joint MOTION for Order <i>to File A Joint Status Report and Joint Status Report</i> by COALITION FOR EDUCATIONAL SUCCESS, DEPARTMENT OF EDUCATION (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lo, Michelle) (Entered: 11/29/2011)
11/30/2011		MINUTE ORDER granting <a href="#">32</a> Joint Motion for Order: UPON CONSIDERATION of the parties' Joint Status Report and Motion for Order to File A Joint Status Report, and for good cause shown, it is hereby ORDERED that the parties' motion is GRANTED, and it is FURTHER ORDERED that on or before December 14, 2011, the parties shall file a joint status report recommending a briefing schedule or other appropriate course of action in this case. Signed by Judge Ellen S. Huvelle on November 30, 2011. (AG) (Entered: 11/30/2011)
12/14/2011	<a href="#">3</a> <a href="#">3</a>	STATUS REPORT <i>and Motion for Order to File A Joint Status Report</i> by COALITION FOR EDUCATIONAL SUCCESS, DEPARTMENT OF EDUCATION. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lo, Michelle) (Entered: 12/14/2011)
12/14/2011	<a href="#">3</a> <a href="#">4</a>	Joint MOTION for Order <i>to File A Joint Status Report and Joint Status Report</i> by COALITION FOR EDUCATIONAL SUCCESS, DEPARTMENT OF EDUCATION (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lo, Michelle) (Entered: 12/14/2011)
12/15/2011		MINUTE ORDER: Upon agreement of the parties, it is hereby ORDERED that the conference call held this date will resume on Tuesday, December 20, 2011, at 2:15 p.m. Signed by Judge Ellen S. Huvelle on December 15, 2011. (lcsh1) . (Entered: 12/15/2011)
12/15/2011		Minute Entry for proceedings held before Judge Ellen S. Huvelle: Telephone Conference held in Chambers on 12/15/2011. (gdf) (Entered: 12/19/2011)



12/19/2011		Set/Reset Hearings: Telephone Conference set for 12/20/2011 at 2:15 PM in Chambers before Judge Ellen S. Huvelle. (gdf) (Entered: 12/19/2011)
12/20/2011		MINUTE ORDER: Based on the representations of the parties during the conference call held this date, the above-captioned case has been resolved and it is ORDERED that plaintiff's complaint is dismissed with prejudice. Signed by Judge Ellen S. Huvelle on December 20, 2011. (lcesh1) (Entered: 12/20/2011)

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